IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 22347 of 2007(I)

PETITIONER:

M/S.EMESS INDUSTRIES, MANJAMALA P.O.,
KALLOOR, THIRUVANANTHAPURAM, REPRESENTED BY
ITS GENERAL MANAGER, JOJI MATHEW.

BY ADV. SRI.ANIL NARAYAN
SMT.A.K.PREETHA

RESPONDENTS:

---

1. EMPLOYEES PROVIDENT FUND ORGANIZATION,
REGIONAL OFFICE, BHAVISHYA,NIDHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM - 695 004
REPRESENTED BY THE REGIONAL PROVIDENT FUND
COMMISSIONER.

2. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES' PROVIDENT FUND
ORGANIZATION, REGIONAL OFFICE, BHAVISHYA
NIDHI BHAVAN, PATTOM, THIRUVANANTHAPURAM - 695004.

3. THE EMPLOYEES PROVIDENT FUND APPELLATE
TRIBUNAL, NEW DELHI.

BY SMT. T.N. GIRIJA – SC. EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 22347 OF 2007

DATED THIS THE 20th DAY OF JULY, 2007

JUDGMENT

Against Ext.P6 order passed by the 2nd respondent under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, the petitioner has filed Ext.P7 appeal along with a petition for waiver of pre-deposit as well as stay. The petitioner contends that the petitioner is challenging liability to be covered under the Act itself. The petitioner submits that Ext.P6 order was passed only on 15.6.07 and the petitioner has filed Ext.P7 appeal on 12.7.07 and before the petitioner could move the Tribunal for stay, the respondents are taking proceedings for recovery of the disputed amount.

2. I have heard the learned standing counsel for the Provident Fund Organisation also.

3. The learned standing counsel would submit that the petitioner may be directed to deposit at least a portion of the amount.

4. Having heard both sides, I feel that since the petitioner is disputing the liability to cover the establishment under the Act itself, the petitioner should be given some more time to move the Tribunal for obtaining interim orders. For this purpose, I direct the 2nd respondent

to keep further coercive proceedings pursuant to Ext.P6 in abeyance for a period of two months within which time the petitioner shall move and get appropriate interim orders from the Tribunal.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd